

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE	:	CHAPTER 13
	:	
CHERLY A. VAUGHN-CURRY, a/k/a	:	CASE NO: 16- 17726ELF
CHERLY B. CURRY	:	
CHERLY CURRY	:	
CHERLY VAUGHN	:	
Debtor	:	
	:	

**DEBTOR’S RESPONSE TO THE LIMITED OBJECTION OF
INTERSTATE INTRINSIC VALUE FUND, LLC TO DISCHARGE OF DEBTOR**

The Debtor, through counsel, responds to the Limited Objection (the “Objection”) of Interstate Intrinsic Value Fund, LLC(“Interstate”) to Discharge of Debtor as follows:

1. Although titled as an objection to the discharge of the Debtor, the Objection fails to even address Debtor’s entitlement to a discharge under 11 U.S.C. § 1328(a), much less state any reason why a discharge should not be entered.

2. Instead, Interstate appears to be conflating discharge or personal liability granted under § 1328 with lien rights. It is axiomatic that a discharge extinguishes only persona liability on a debt. A creditor alleging a mortgage lien is free to pursue the remedy of *in rem* foreclosure following a bankruptcy discharge. See, e.g. In re Cusato, 485 B.R. 824, 828 (Bankr. E.D. Pa. 2013).

3. Interstate’s “objection to discharge,” is in fact a request for an improper and advisory opinion from the Court as to the validity of its lien upon Debtor’s real property.

4. An Order from this court as to the validity of Interstate’s alleged lien can have no effect on the fully administered plan and therefore the Court lacks subject matter jurisdiction to enter the proposed Order.

5. Moreover, an advisory order from this Court validating Interstate's alleged lien, as sought by the proposed order, may have an unintended and prejudicial effect upon Debtor to raise defenses in any subsequent foreclosure proceeding.

WHEREFORE the Debtor requests that the Objection be OVERRULED and that the Court enter its standard discharge order.

/s/ Alfonso Madrid
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